

UNITED STATES DISTRICT COURT
 for the
 Western District of Texas-San Antonio Division

Johnny Alvarez

Plaintiff(s)

v.

MG Building Materials, LTD.*Defendant(s)*

)

Civil Action No. **5:24-cv-400-XR****SUMMONS IN A CIVIL ACTION**To: *(Defendant's name and address)*

MG Building Materials, LTD
 C/O its registered agent for service of process, Kevin Sullivan
 3512 Paesanos Parkway, Suite 202
 San Antonio, Texas 78231

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

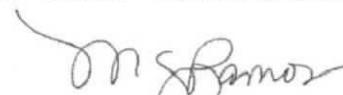
Douglas B. Welmaker
 Welmaker Law PLLC
 409 N. Fredonia, Suite 118
 Longview, Texas 75601

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

04/18/2024

**RETURN
 ATTACHED**

CLERK OF COURT PHILIP J. DEVLIN



Signature of Clerk or Deputy Clerk



Came to hand on 04-19-2024 @ 10:59 A.M.

DRLS
 516 West Annie St.
 Austin, Texas 78704
 3873

UNITED STATES DISTRICT COURT
for the Western District of Texas
San Antonio Division

Johnny Alvarez, Plaintiff § Civil Action No. 5:24-cv-400-XR
vs. § PROOF OF
MG Building Materials, LTD., Defendant § ATTEMPTED SERVICE AFFIDAVIT

Before me, the undersigned authority, personally appeared Tod E. Pendergrass, to me well known, after being duly sworn, did depose and say:

"My name is Tod E. Pendergrass. I am over eighteen (18) years of age and not a party to or interested in the outcome of this case. I am authorized by Rule 103(2) & (3) of the Texas Rules of Civil Procedure to serve process issued by the Texas Civil Courts and am certified under order of the Texas Supreme Court, Certification No. PSC1660, Exp. 11/30/2025. I am personally acquainted with the facts stated herein and they are true and correct.

Came to hand on April 19, 2024, at 10:59 a.m. Summons in a Civil Action with Plaintiff's First Amended Complaint for service on Defendant MG Building Materials, LTD.

According to the Texas Secretary of State, MG Building Materials, LTD. has an active right to transact business in Texas. The registered agent is Kevin Sullivan and the registered office street address is 3512 Paesanos Parkway, Suite 202, San Antonio, Texas 78231.

NOT EXECUTED on Defendant MG Building Materials, LTD., for the following reasons:

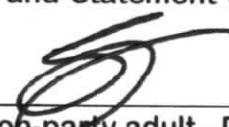
On April 22, 2024, I attempted service on Defendant's registered agent at the registered office street address via U.S.P.S. certified mail, with return receipt requested.

On or about April 29, 2024, the parcel returned to me marked, 'Return to Sender, Not Deliverable as Addressed, Unable to Forward.' Before mailing, I marked the parcel 'Fwd. Add. Correction Requested' but no correction was indicated.

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Attempted Service Affidavit and Statement of Service Fees is true and correct."

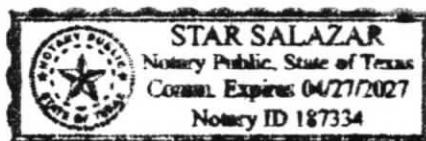
Printed Name: Tod E. Pendergrass

Service Fee \$ 91.00


Signature of non-party adult - DRLS
516 W. Annie Street, Austin, Tx 78704
Re: Welmaker/3873

STATE OF TEXAS, COUNTY O TRAVIS

Before me, a notary public, on this day personally appeared the above-named person, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements/facts therein contained are within his/her personal knowledge to be true and correct. Given under my hand and seal of office on April 30, 2024.




NOTARY PUBLIC in and for the State of TEXAS
[Form Pursuant to FRCP 4(l)(1)]